

ICC Code Section  
IPMC Amended for Memphis, Tennessee

SECTION 101  
GENERAL

101.1 Title. These regulations shall be known as the International Property Maintenance Code of the City of Memphis, Tennessee, hereinafter referred to as “this code.”

101.2 Scope. The provisions of this code shall (i) apply to all existing residential structures and nonresidential structures other than hotels and motels serving transient guests only, rest homes, convalescent homes and nursing homes and all existing premises related thereto and (ii) constitute minimum requirements and standards for such premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner’s authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102  
APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. An owner, owner’s authorized agent, operator or occupant shall not cause any service, facility, equipment or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of

fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's authorized agent shall be responsible for the maintenance of buildings, structures and premises.

**102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Unified Development Code.

**102.4 Existing remedies.** The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or of rubbish, garbage, debris, abandoned vehicles, or personal property or the demolition of any structure that is dangerous, unsafe and, or insanitary.

**102.5 Workmanship.** Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's instructions.

**102.6 Historic buildings.** The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings where such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

**102.7 Referenced codes and standards.** The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

**102.7.1 Conflicts.** Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

**102.7.2 Provisions in referenced codes and standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

**102.8 Requirements not covered by code.** Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

102.9 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.10 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

SECTION 103  
DEPARTMENT OF PROPERTY  
MAINTENANCE INSPECTION

103.1 General. The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the code official.

103.2 Appointment. The code official shall be appointed by the Mayor of the City of Memphis.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy(s). Such employees shall have powers as delegated by the code official.

103.3.1 Special Deputies- Volunteer Reserve Officers. The code official shall have the authority to select and train volunteers who will be designated Volunteer Reserve Officers. Such Volunteer Reserve Officers shall be subject to the rules, restrictions and limitations established by the code official. Volunteer Reserve Officers may be empowered by the code official to issue notice of violations as described under 106.2.

103.3.2 Special Deputies - MLGW Excessive Utility Consumption Officers. The board of Memphis Light, Gas and Water may designate certain employees of Memphis Light, Gas and Water as Excessive Utility Consumption Officers to make or cause to be made inspections to determine the conditions of any unit of real estate that is let for occupancy to safeguard the safety, health, and welfare of the public in accordance with this code, for the limited purpose of excessive utility consumption inspections. Such Excessive Utility Consumption Officers under this section shall have all the rights and privileges pursuant to 104.3. When an inspection is to be conducted due to suspected excessive utility consumption the owner of record will be notified at least five calendar days in advance via U.S. mail. No additional notice is required for inspections pursuant to suspected excessive utility consumption. Excessive utility consumption is defined as a unit consuming the highest ten percent of utilities per square foot of units of similar vintage, construction and size. The board of Memphis Light, Gas and Water shall have the power to promulgate additional rules, regulations, restrictions, and limitations applicable to Memphis Light, Gas and Water Excessive Utility Consumption Officers. Excessive Utility Consumption Officers may issue notice of violations as described under 106.2. Property inspection costs and fees of 103.5 shall apply.

103.4 Liability. The code official or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

103.4.1 Legal defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

103.5 Fees and penalties.

The fees for activities and services related to the prosecution of violations of this ordinance shall be in accordance with the fee schedule duly adopted by the Division of Public Works- Department of Neighborhood Improvement.

## SECTION 104

### DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

104.3 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, owner's authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry. It is unlawful for any person to resist or interfere with an employee of the department

in the performance of their duties by acting in a violent and tumultuous manner so that such employee is placed in danger of safety of his or her life, limb or health.

104.4 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.5 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code. Whenever the code official is of the opinion that a structure or premises is dangerous, or is unfit for human occupancy, and is of the opinion that the owners or parties in interest have not complied with his or her orders and all proper appeals have been exhausted, the code official may record a copy of his or her order in the office of Register of Deeds for Shelby County, giving a full legal description of the structure or premises, including subdivision name and lot number. If and when the code official declares the condition to have been rectified, he or she shall release his or her order by making a proper notation in such Register's office. In the event the owner and other parties in interest are of the opinion that they have complied with such order and the code official declines to state that such conditions have been rectified, the matter may be appealed to a court of competent jurisdiction.

104.6 Department records. The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

104.7 Fee, Penalty and Lien Waiver. The code official shall have the authority to waive payment of any outstanding cost for fees, penalties or liens imposed under this code if, upon application and a public hearing, the owner or a proposed transferee demonstrates the following:

1. the total amount of liens for unpaid real property taxes, charges, and assessments imposed with respect to the property is such that development is impracticable without the waiver or reduction of outstanding fees, penalties or liens imposed by the code official; and
2. the owner or proposed transferee has either corrected all code violations or provides a plan to correct all code violations within a reasonable time from the date of application; and
3. the owner or proposed transferee demonstrates a financial ability to correct any uncorrected code violations.

The application shall include the owner's name, the transferee or potential transferee, property address, tax bill number, contact information, and reasons the claim should be relieved. Nothing in this section shall be constructed as authorizing the waiver of real property taxes. The following form of application, when completed, provides sufficient information.

<b>City of Memphis</b> <b>Lien Waiver Application</b> <b>Please type or print</b>		<b>Received date</b> <b>(Office Use</b> <b>Only)</b>
<b>Name</b>	<b>Date Property Acquired</b>	
<b>Property Address</b>	<b>"X" one and provide documentation</b>  <b>Owner</b> _____ <b>Transferee</b> _____ <b>Other</b> _____	
<b>Tax Bill Number</b>	<b>Telephone Number</b>	
<b>Contact Address</b>	<b>This application is for the City's lien to be:</b>  <b>Reduced</b> _____ <b>Cancelled</b> _____	
<b>Use the space to provide the reason(s) the City should grant the stated claim. Attach any supporting documents.</b>          		
<b>Under the penalties of perjury, to the best of my knowledge and belief, the claim that I have stated here (including any accompanying schedules and statements) is true and correct.</b> <b>Signed:</b> _____ <b>Dated:</b> _____ <b>Print Name:</b> _____		

<b>Title:</b> _____ <b><i>If the claim is granted, the claimant will be responsible for canceling the liens of record with the Shelby County Register of Deeds and will be responsible for the costs, including any attorney's fees, of such recordation.</i></b>	
<b>FOR OFFICE USE</b>	
<b>Code Official Decision</b> <b>Approve</b> _____ <b>Deny</b> _____ <b>Partial Waiver</b> _____	
<b>Reasoning:</b> _____ _____ _____ _____ _____ _____ _____ _____	

#### Hearing Procedure

1. The applicant shall be notified by mail of the place and time of the hearing at least fifteen (15) days prior to the scheduled hearing date.
2. Testimony as to the reasons for waiver and financial ability to rehabilitate the premises shall be under oath.
3. Decisions of the code official shall be final. Applicants may revise their application and re-apply to the code official, provided that the code official determines that a substantial change has been made to the application.

Fees, penalties, and liens may be reinstated by the code official if the code official determines the rehabilitation of the premises has not occurred.

#### SECTION 105 APPROVAL

105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's authorized agent, provided that the code official shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

105.2 Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance without expense to the jurisdiction.

105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

105.3.2 Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

105.4 Used material and equipment. The use of used materials that meet the requirements of this code for new materials is permitted. Materials that are reused shall comply with the requirements of this code for new materials. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested where necessary, placed in good and proper working condition and approved by the code official.

105.5 Approved materials and equipment. Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

105.6 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.



## SECTION 106 VIOLATIONS

106.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

106.2 Notice of violation. The code official shall serve a notice of violation or order in accordance with Section 107.

106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

The code official may issue an ordinance summons pursuant to T.C.A. § 7-63-201 to any person failing to comply with the provisions of this code.

106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

## SECTION 107 NOTICES AND ORDERS

107.1 Notice to person responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices of condemnation or demolition shall also comply with Section 108.3. Notices pertaining to motor vehicles shall comply with the provisions of Section 302.8.1 or Section 302.8.2, as applicable.

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following: 1. Be in writing. 2. Include a description of the real estate or personal property sufficient for identification. 3. Include a statement of the violation or violations and

why the notice is being issued. 4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code. 5. Inform the property owner or owner's authorized agent of the right to appeal. 6. Include a statement of the right to file a lien in accordance with Section 106.3.

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is: 1. delivered personally; or 2. sent by certified or first-class mail addressed to the last known address; or 3. if the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure or personal property affected by such notice.

107.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.

107.5 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

107.6 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

## SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

108.1 General. Whenever the code official believes a structure or equipment to be dangerous or unsafe, when a structure is found unfit for human occupancy, or a structure is found to be unlawful, a notice stating these findings shall be served in accordance with 108.3 and a condemnation hearing shall be held.

108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

108.1.5 Dangerous structure or premises. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be dangerous: 1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings. 2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress. 3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged. 4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value. 5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way. 6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy. 7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act. 8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety. 9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be insanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease. 10. Any building or structure, because of a lack of sufficient or proper fire- resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health. 11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner or owner's authorized agent to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

108.2.1 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner or owner's authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner, owner's authorized agent or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

108.3 Condemnation. Condemnation of a structure or equipment shall only occur after notice and a hearing.

108.3.1 Notice of Condemnation Hearing. The Notice of Condemnation Hearing shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, owner's authorized agent or the person or persons responsible for the structure or equipment, mortgagee, and parties in interest, each of whom will be able to file an answer and appear in person. Such notice shall be deemed to be properly served if a copy thereof is: 1. delivered personally; or 2. sent by certified or first-class mail addressed to the last known address. If the notice pertains to equipment, it shall be placed on the equipment at issue. The notice shall be in the form prescribed in Section 107.2.

108.3.2 Condemnation Hearing. The Condemnation Hearing shall be before the Code Official or his designated agent, known as the Condemnation Review Officer, not less than 10 days but no more than 30 days after the date of the Notice of Condemnation Hearing. If the Condemnation Review Officer finds that the structure or equipment is dangerous, unsafe, unfit for human occupancy, or is unlawful, he shall state in writing his findings of fact in support and shall issue an Order of Condemnation which: (1) if the repairs can be made at a reasonable cost, specifically if the cost of repair is less than 50 % of the current value of the structure or equipment, condemns the structure or equipment and requires the Owner or responsible party to repair the structure or equipment by bringing it into compliance with this Code and, as determined by the Condemnation Review Officer or the Environmental Court, or (2) If the repairs cannot be made at a reasonable cost, specifically if the cost of repair is greater than 50% of the current value of the structure or equipment, condemns the structure or equipment, and requires the owner to remove or demolish the structure or equipment in a specified time.

The Order of Condemnation which shall be recorded in the office of Register of Deeds for Shelby County. If the owner fails to comply with an order to repair, alter or improve, vacate and close, or demolish the structure or equipment in the specified time stated in the order, the code official can cause the structure or equipment to be repaired, altered, improved, or demolished. The amount to improve, repair, or demolish will be a lien against the real property upon which such cost was incurred.

If the Condemnation Review Officer does not find that the structure or equipment is dangerous, unsafe, unfit for human occupancy, or is unlawful, he shall state in writing his findings of fact in support of this conclusion and dismiss or rescind the condemnation action.

108.3.3 Appeal of Order of Condemnation. All appeals of Orders of Condemnation shall be to the Shelby County Environmental Court in accordance with Section 111.

108.3.4 Salvage materials. Where any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

108.4 Placarding. Upon failure of the owner, owner's authorized agent or person responsible to comply with the notice provisions within the time given and/or upon issuance of the Notice of Condemnation Hearing the code official shall post on the premises or upon defective equipment a placard stating that the property must not be occupied or that the equipment must not be used. If at the Condemnation Hearing the Hearing Officer issues an Order of Condemnation, as outlined in Section 108.3.1, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

108.4.1 Placard removal. The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

108.5 Prohibited occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner, owner's authorized agent or person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

## SECTION 109 EMERGENCY MEASURES

109.1 Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the

structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

109.3 Closing streets. When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

109.4 Emergency repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises or owner's authorized agent where the unsafe structure is or was located for the recovery of such costs.

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Environmental Court, be afforded a hearing as described in this code.

## SECTION 111 MEANS OF APPEAL

111.1 Notice of appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Shelby County Environmental Court, provided that a written notice of appeal is filed within 20 days after the day the decision, notice or order was served. A notice of appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. Notice of the appeal shall be provided to the code official within 3 days of filing the appeal.

111.2 Stays of Enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Shelby County Environmental Court.

111.3 Open hearing. Hearings before the Shelby County Environmental Court shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard as determined by the court.

111.4 Environmental Court Decision. The decision of the Shelby County Environmental Court shall be recorded. Copies shall be furnished to the appellant and to the code official. The code official shall take immediate action in accordance with the decision of the Shelby County Environmental Court.

111.5 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law.

## SECTION 112 STOP WORK ORDER

112.1 Authority. Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.

112.2 Issuance. A stop work order shall be in writing and shall be given to the owner of the property, to the owner's authorized agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

112.3 Emergencies. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than one hundred fifty dollars or more than one thousand five hundred dollars.

## CHAPTER 2 DEFINITIONS

### SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code, Unified Development Code or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

201.4 Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

## SECTION 202 GENERAL DEFINITIONS

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. Acceptable to the code official.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

CHRONIC NUISANCE. Any non-owner occupied dwelling that is determined by the Environmental Court to be a menace to public health, welfare, or safety as identified by the following factors: (1) A pattern of applicable criminal activity at a non-owner occupied dwelling that is materially greater than average for a similarly situated non-owner occupied dwelling provided , however, that the pattern does not include an incident or incidents of actual or threatened domestic violence or sexual violence against a tenant, household member, or guest occurring in the non-owner occupied dwelling or on the premises; or (2) Repeated failure of the non-owner occupied dwelling to comply with the provisions of the Tennessee Uniform Residential Landlord Tenant Act (T.C.A. § 66-28-101 et seq.) that require the owners of non-owner occupied dwellings to maintain a safe environment and essential services for the occupant; or (3) A pattern of ordinance violations or other neglect of property conditions at a non-owner occupied dwelling that negatively impacts the health and safety of the occupant(s), and that is excessive after a review of all the facts and circumstances; or (4) Any other illegal activity or property conditions at a non-owner occupied dwelling or on the premises, which have been determined by the Environmental Court or another court of competent jurisdiction to be a menace to public health, welfare or safety.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

COMMERCIAL VEHICLE. Any type of motor vehicle designated by the Manufacturer's Gross Vehicle Weight Rating (GVWR) as a Class 4 or greater, or having a GVWR of 14,001 lbs or greater. In cases of dispute over a vehicle's classification as a commercial vehicle, the determining factor shall be the requirement for the vehicle operator to have a Class B or A Commercial Driver's License in order to legally operate the vehicle.



**CONDEMN.** To adjudge unfit for occupancy.

**COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS.** The costs shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a code official, the governing body or a court.

**DETACHED.** When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

**DETERIORATION.** To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

**DWELLING UNIT.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

**ENVIRONMENTAL COURT.** The Shelby County Environmental Court for the Thirtieth Judicial District at Memphis, as well as its judges and/or referees.

**EQUIPMENT SUPPORT.** Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

**EXTERIOR PROPERTY.** The open space on the premises and on adjoining property under the control of owners or operators of such premises.

**GARBAGE.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**GUARD.** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

**HABITABLE SPACE.** Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

**HISTORIC BUILDING.** Any building or structure that is one or more of the following: 1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places. 2. Designated as historic under an applicable state or local law. 3. Certified as a contributing resource within a National Register or state or locally designated historic district.

**HOUSEKEEPING UNIT.** A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

**IMMINENT DANGER.** A condition which could cause serious or life-threatening injury or death at any time.

**INFESTATION.** The presence, within or contiguous to, a structure or premises of insects, rodents, vermin or other pests.

**INOPERABLE MOTOR VEHICLE.** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**LABELED.** Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

**LET FOR OCCUPANCY or LET.** To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

**NEGLECT.** The lack of proper maintenance for a building or structure.

**NON-OWNER OCCUPIED DWELLING.** A dwelling unit or rooming unit that is not occupied by the owner of record, or if unoccupied, is not, in the code official's sole discretion, being made available for sale through a good faith effort of the owner.

**NUISANCE ACTIVITY.** Any activity that could lead to a non-owner occupied dwelling being declared a chronic nuisance by the Environmental Court.

**OCCUPANCY.** The purpose for which a building or portion thereof is utilized or occupied.

**OCCUPANT.** Any individual living or sleeping in a building, or having possession of a space within a building

**OPENABLE AREA.** That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

**OWNER.** Any person, agent, operator, firm or corporation having legal or equitable interest in the property, including lienholders and mortgagees; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**PERSON.** An individual, corporation, partnership or any other group acting as a unit.

**PEST ELIMINATION.** The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

**PREMISES.** A lot, plot or parcel of land, easement or public way, including any structures thereon.

**PUBLIC WAY.** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

**ROOMING HOUSE.** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

**ROOMING UNIT.** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

**RUBBISH.** Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

**SLEEPING UNIT.** A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

**STRICT LIABILITY OFFENSE.** An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

**STRUCTURE.** That which is built or constructed or a portion thereof.

**TENANT.** A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

**TOILET ROOM.** A room containing a water closet or urinal but not a bathtub or shower.

**ULTIMATE DEFORMATION.** The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

**VENTILATION.** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

**WORKMANLIKE.** Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

**YARD.** An open space on the same lot with a structure.

## CHAPTER 3 GENERAL REQUIREMENTS

### SECTION 301 GENERAL

**301.1 Scope.** The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

**301.2 Responsibility.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

**301.3 Vacant structures and land.** Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

### SECTION 302 EXTERIOR PROPERTY AREAS

**302.1 Sanitation.** Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. Premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Exception: Approved retention areas and reservoirs.

302.3 Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept and maintained in a proper state of repair, free from hazardous condition, and otherwise in compliance with Chapter 12-24.

302.4 Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, actual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. Tracts that are four acres or more and are either in an industrial zoning district or are maintained in a natural state as a wilderness area are excepted from this provision.

302.5. Trees and Shrubs. All trees and shrubs shall be maintained so as not to imperil public health or safety, or cause damage to any structure, premises, or utility services. Upon failure of the owner or agent having charge of a property to properly maintain trees and shrubs after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and remove portions or the entirety of trees or shrubs growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.7 Accessory structures. Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative, rusted, significantly damaged, junked or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. All vehicles parked or stored in single-family residential, duplex or multifamily zoning districts shall be parked or stored on asphalt, concrete brick, pavers (interlocking or permeable), or gravel/rock.. More than four vehicles parked at any one property is prohibited unless within an enclosed garage. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Exception: A vehicle of any type is permitted to undergo major overhaul,

including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes. No commercial vehicles may be parked in residential zoning districts. No vehicles carrying hazardous material are permitted in residential zoning districts. No person shall park or store or permit the parking or storing of more than one boat and boat trailer, and no more than one camping trailer or recreational vehicle per dwelling unit. No part of such parking or storage area shall be used for living, sleeping or housekeeping purposes. It is unlawful for any person to park or store any motorized vehicle or equipment, such as, but not limited to campers, trailers, boats or other recreational type equipment, on any residential street in the city.

**302.8.1 Special Notice Procedure for Motor Vehicles.** Whenever the code official determines that there has been a violation of the provisions of this section, notice shall be given to the owner in lawful possession or control of the property upon which the vehicle is located and to the registered owner of the vehicle. Notice shall be served upon the registered owner of the vehicle by leaving a copy on or within the vehicle. Notice shall be served upon the owner or person in lawful possession or control of the property upon which the vehicle is located by conspicuously posting it upon the premises, unless the premises is publicly owned. The code official shall additionally provide notice as required in Section 107 on the owner in lawful possession or control of the property upon which the vehicle is located and the registered owner of the vehicle as identified by a title search.

**302.8.2 Special Procedure for Abandoned Motor Vehicles.** If the violation or violations are not corrected after the time provided for in the notice, the code official shall order the removal of the vehicle to the city's vehicle storage lot. At the time the vehicle is removed, a tow-in ticket shall be completed in triplicate. At the time a vehicle is moved to the city's vehicle storage lot pursuant to this section, the division of police services shall be notified immediately of such fact.

If the registered owner cannot be determined or if the vehicle has no serial number, the vehicle shall be sold in accordance with the provisions of this chapter, and notice to the registered owner of the vehicle shall be dispensed with.

Any vehicles as herein provided, which, after having been advertised and listed for sale, shall bring no price, then in that event, the purchasing agent or private storage lot operator shall deem such vehicle as worthless and shall dispose of such vehicle in such manner as he or she and the division of police services may deem right and proper. Notwithstanding any other provision of this article, any person, firm, corporation or unit of government, upon whose property or in whose possession is found any abandoned motor vehicle or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of such motor vehicle to a demolisher without that title and without the notification procedures of this chapter, if the motor vehicle is over six years old and has no engine or is totally inoperable.

If during the time that the vehicle is being held at the vehicle storage lot the owner of the vehicle demands the return of such vehicle, then the vehicle shall be returned to the owner upon the payment of the storage and tow-in fees by the owner. The storage agent shall notify the director of the division of police services of such redemption by the owner of the vehicle.

Any valuable property found in any abandoned vehicle subject to this article shall be stored by the division of police services and sold at public auction by the purchasing agent or stored and sold with the abandoned vehicle, if not claimed before the auction of the abandoned vehicle in which the valuable property was found.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

## SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is not less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier. Exception: Spas or hot tubs with a safety cover that complies with ASTM F1346 shall be exempt from the provisions of this section.

## SECTION 304 EXTERIOR STRUCTURE

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength; 2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects; 3. Structures or components thereof that have reached their limit state; 4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight; 5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects; 6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects; 7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects; 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects; 9.

Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects; 10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; 11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; 12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or 13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that is anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions: 1. Where substantiated otherwise by an approved method. 2. Demolition of unsafe conditions shall be permitted where approved by the code official.

304.2 Protective treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All lead hazards shall be eliminated by employing the use of nationally accepted standards and techniques and in compliance with all applicable local, state and federal laws, statutes, and ordinances, including without limitation: 15 U.S.C. Ch. 53; 42 U.S.C. Ch. 63; 42 U.S.C. Ch. 63A; 40 C.F.R. Ch. 1, Subch. R, Pt. 745; 24 C.F.R. Subt. A, Pt. 35; T.C.A. § 68-131-401 *et seq.*; and Tenn. Comp. R. & Regs. 1200-01-18-.01 *et seq.* The use of lead-based paint is specifically prohibited. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

304.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

304.4 Structural members. Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. Glazing materials shall be maintained free from cracks and holes.

304.13.2 Operable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.



304.14 Insect screens. During the period from March 1 to December 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition. Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every basement window that is operable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

304.18.1 Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

304.19 Gates. Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

304.2.1. Presumption of lead or mold hazard. If the code official determines that a lead or mold hazard exists on the premises, then there shall exist a rebuttable presumption that such hazard exists, and the owner shall be subject to all fees and penalties as established under§ 103.5. The owner shall have the opportunity to disprove such presumption by presenting evidence that, in the code official's sole discretion, establishes such hazard does not exist. If such presumption is not disproved, the owner shall be subject to all fees and penalties as established under § 103.5.

Section 305.3.1. Presumption of lead or mold hazard. If the code official determines that a lead or mold hazard exists at the premises, then there shall exist a rebuttable presumption that such hazard exists, and the owner shall be subject to all fees and penalties as established under§ 103.5. The owner shall have the opportunity to disprove such presumption by presenting evidence that, in the code official's sole discretion, establishes such hazard does not exist. If such presumption is not disproved, the owner shall be subject to all fees and penalties as established under§ 103.5.

## SECTION 305 INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure that they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

305.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength; 2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects; 3. Structures or components thereof that have reached their limit state; 4. Structural members are incapable of supporting nominal loads and load effects; 5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects; 6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions: 1. Where substantiated otherwise by an approved method. 2. Demolition of unsafe conditions shall be permitted when approved by the code official.

305.2 Structural members. Structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. Interior surfaces, including windows and doors, shall be maintained in good, clean, and sanitary condition. The presence of mold is explicitly prohibited. Peeling, chipping, flaking or abraded paint shall be repaired, removed, or covered. All lead hazards shall be eliminated by employing the use of nationally accepted standards and techniques and in compliance with all applicable local, state, and federal laws, statutes, and ordinances, including without limitation: 15 U.S.C. Ch. 53; 42 U.S.C. Ch. 63; 42 U.S.C. Ch. 63A; 40 C.F.R. Ch. 1, Subch. R, Pt. 745; 24 C.F.R. Subt. A, Pt. 35; T.C.A. § 68-131-401 et seq.; and Tenn. Comp. R. & Regs. 1200-01-18-.01 et seq. The use of lead-based paint is specifically prohibited. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

## SECTION 306 COMPONENT SERVICEABILITY

306.1 General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 1. Soils that have been subjected to any of the following conditions: 1.1. Collapse of footing or foundation system; 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion; 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil; 1.4. Inadequate soil as determined by a geotechnical investigation; 1.5. Where the allowable bearing capacity of the soil is in doubt; or 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table. 2. Concrete that has been subjected to any of the following conditions: 2.1. Deterioration; 2.2. Ultimate deformation; 2.3. Fractures; 2.4. Fissures; 2.5. Spalling; 2.6. Exposed reinforcement; or 2.7. Detached, dislodged or failing connections. 3. Aluminum that has been subjected to any of the following conditions: 3.1. Deterioration; 3.2. Corrosion; 3.3. Elastic deformation; 3.4. Ultimate deformation; 3.5. Stress or strain cracks; 3.6. Joint fatigue; or 3.7. Detached, dislodged or failing connections. 4. Masonry that has been subjected to any of the following conditions: 4.1. Deterioration; 4.2. Ultimate deformation; 4.3. Fractures in masonry or mortar joints; 4.4. Fissures in masonry or mortar joints; 4.5. Spalling; 4.6. Exposed reinforcement; or 4.7. Detached, dislodged or failing connections. 5. Steel that has been subjected to any of the following conditions: 5.1. Deterioration; 5.2. Elastic deformation; 5.3. Ultimate deformation; 5.4. Metal fatigue; or 5.5. Detached, dislodged or failing connections. 6. Wood that

has been subjected to any of the following conditions: 6.1. Ultimate deformation; 6.2. Deterioration; 6.3. Damage from insects, rodents and other vermin; 6.4. Fire damage beyond charring; 6.5. Significant splits and checks; 6.6. Horizontal shear cracks; 6.7. Vertical shear cracks; 6.8. Inadequate support; 6.9. Detached, dislodged or failing connections; or 6.10. Excessive cutting and notching.

Exceptions: 1. Where substantiated otherwise by an approved method. 2. Demolition of unsafe conditions shall be permitted where approved by the code official.

## SECTION 307 HANDRAILS AND GUARDRAILS

307.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

## SECTION 308 RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

308.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

308.2.1 Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

308.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

308.3 Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

308.3.1 Garbage facilities. The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leak-proof, covered, outside garbage container.

308.3.2 Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

## SECTION 309 PEST ELIMINATION

309.1 Infestation. Every owner shall keep its structures and exterior property free from rodent harborage and infestation by insects, rodents, vermin, bed bugs or other pests. Owners shall ensure the termination of all insects, rodents or other pests by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent infestation.

309.2 Owner. The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

309.3 Single occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.

309.4 Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.

309.5 Owner and Occupant. Owner and occupant shall be jointly and severally liable for continued rodent and pest-free condition. Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination.

## CHAPTER 4: LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

### SECTION 401: GENERAL

401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

401.2 Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the International Building Code shall be permitted.

## SECTION 402 LIGHT

402.1 Habitable spaces. Lighting in every habitable space shall be provided as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

402.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one and two-family dwellings, shall be lighted in accordance with the applicable code listed in Section 102.3 and referenced in Chapter 8.

402.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

## SECTION 403 VENTILATION

403.1 Habitable spaces. Ventilation in every habitable space shall be provided as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

403.2 Bathrooms and toilet rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1.

403.3 Cooking facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit. Exceptions: 1. Where specifically approved in writing by the code official. 2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

403.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be provided as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

## SECTION 404 OCCUPANCY LIMITATIONS

404.1 Privacy. Dwelling units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths. Habitable rooms and kitchens shall meet the minimum room width standards as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

404.3 Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a minimum clear ceiling height as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

404.4 Bedroom and living room requirements. Every bedroom and living room shall be provided as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

404.4.1 Prohibited occupancy. Kitchens and non-habitable spaces shall not be used for sleeping purposes.

404.4.2 Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the applicable code listed in Section 102.3 and referenced in Chapter 8.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the requirements prescribed by the applicable code listed in Section 102.3 and referenced in Chapter 8.

404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

## CHAPTER 5: PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

### SECTION 501: GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises that does not comply with the requirements of this chapter.

## SECTION 502 REQUIRED FACILITIES

502.1 Dwelling units. Plumbing facilities in dwelling units shall be provided as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

502.2 Rooming houses. Plumbing facilities in rooming houses shall be provided as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

502.3 Intentionally Omitted.

502.4 Employees' facilities. Not less than one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe, sanitary and working condition as required by the applicable code listed in Section 102.3 and referenced in Chapter 8. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

## SECTION 503 TOILET ROOMS

503.1 Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

503.2 Location. Toilet facilities and bathrooms serving rooming units or dormitory units or housekeeping units shall be provided as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.



503.3 Location of employee toilet facilities. Employee toilet facilities shall be provided as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

503.4 Floor surface. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

## SECTION 504 PLUMBING SYSTEMS AND FIXTURES

504.1 General. Plumbing fixtures shall be provided as required by the applicable code listed in Section 102.3 and referenced in Chapter 8 and be capable of performing the function for which such plumbing fixtures are designed. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

## SECTION 505 WATER SYSTEM

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be provided as required by the applicable code listed in Section 102.3 and referenced in Chapter 8. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

505.2 Contamination. The water supply shall be maintained free from contamination as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

505.3 Supply. The water supply system shall be installed and maintained as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and provided as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

## SECTION 506 SANITARY DRAINAGE SYSTEM

506.1 General. Plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

506.3 Grease interceptors. Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions and as required by the applicable code listed in Section 102.3 and referenced in Chapter 8. Records of maintenance, cleaning and repairs shall be available for inspection by the code official.

## SECTION 507 STORM DRAINAGE

507.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

## CHAPTER 6: MECHANICAL AND ELECTRICAL REQUIREMENTS

### SECTION 601: GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that does not comply with the requirements of this chapter.

### SECTION 602 HEATING FACILITIES

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies. Heating facilities in dwelling units shall be provided as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be provided as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

602.5 Room temperature measurement. Room temperatures shall be measured as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

## SECTION 603 MECHANICAL EQUIPMENT

603.1 Mechanical appliances. Mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products. Fuel-burning equipment and appliances shall be connected as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

603.3 Clearances. Required clearances to combustible materials shall be maintained.

603.4 Safety controls. Safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall be installed as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

## SECTION 604 ELECTRICAL FACILITIES

604.1 Facilities required. Electrical systems shall be provided to every occupied building as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

604.2 Service. Electrical service shall be provided as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced or repaired as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

604.3.2 Abatement of electrical hazards associated with fire exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced or repaired as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

## SECTION 605 ELECTRICAL EQUIPMENT

605.1 Installation. Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 Receptacles. Receptacles shall be provided as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

605.3 Luminaires. Luminaires shall be provided as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

605.4 Wiring. Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

## SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location approved by the code official. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators. In buildings equipped with passenger elevators, not less than one elevator shall be maintained in operation at all times when the building is occupied. Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

## SECTION 607 DUCT SYSTEMS

607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

## CHAPTER 7: FIRE SAFETY REQUIREMENTS

### SECTION 701 GENERAL

701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

701.2 Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

### SECTION 702 MEANS OF EGRESS

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code.

702.2 Aisles. The required width of aisles in accordance with the International Fire Code shall be unobstructed.

702.3 Locked doors. Means of egress doors shall be provided as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

702.4 Emergency escape openings. Emergency escape openings shall be provided as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

## SECTION 703 FIRE-RESISTANCE RATINGS

703.1 Fire-resistance-rated assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

703.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. Fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

## SECTION 704 FIRE PROTECTION SYSTEMS

704.1 General. Systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code.

704.1.1 Automatic sprinkler systems. Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

704.1.2 Fire department connection. Fire department connections shall be provided in accordance with the International Fire Code.

704.2 Single- and multiple-station smoke alarms. Single- and multiple-station smoke alarms shall be provided as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

704.2.1 Where required. Existing Group I-1 and R occupancies shall be provided with single-station smoke alarms as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

704.2.2 Interconnection. Smoke alarm interconnections shall be provided as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

704.2.3 Power source. Smoke alarms shall be powered as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

704.2.4 Smoke detection system. Smoke detection systems shall be provided as required by the applicable code listed in Section 102.3 and referenced in Chapter 8.

## CHAPTER 8: REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title, and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.3.

**ASME** American Society of Mechanical Engineers  
Three Park Avenue  
New York, NY 10016-5990

Standard Reference number	Title	Referenced in code section number
ASME/A17.1 2007/CSA B44-07	Safety Code for Elevators and Escalators – with A17.1a/CSA B44a-08 Addenda	.....606.1

**ASTM** ASTM International  
100 Barr Harbor Drive  
West Conshohocken, PA  
19428-2959

Standard Reference number	Title	Referenced in code section number
F 1346-91 (2003)	Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas, and Hot Tubs	.....303.2

**ICC** International Code Council, Inc.  
500 New Jersey Ave, NW  
6th Floor  
Washington, DC 20001

Standard Reference	Title	Referenced in code section number
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International Building Code®	<u>Joint Building Code (JBC) of Memphis and Shelby County, Tennessee</u> – Chapters 1-13 and 27-33 and Chapter 35 the 2009 International Code Council Building Code with Local Amendments, and Chapters 14-26 and Chapter 34 of the 2012 International Code Council Building Code	102.3, 201.3
International Existing Building Code®	<u>Joint Existing Building Code (JEBC) of Memphis and Shelby County, Tennessee</u> – 2012 International Code Council Existing Building Code with Local Amendments,	.....102.3, 201.3
International Energy Conservation Code®	<u>Joint Energy Conservation Code (JECC) of Memphis and Shelby County, Tennessee</u> – 2009 International Code Council Energy Conservation Code with Local Amendments	.....102.3
International Fire Code®	2015 International Fire Code (IFC)	102.3,201.3, 702.1, 702.2, 704.1
International Fuel Gas Code®	<u>Joint Fuel Gas Code (JFGC) of Memphis and Shelby County, Tennessee Technical Codes</u> – 2009 International Code Council Fuel Gas Code with Local Amendments	.....102.3, 201.3
International Mechanical Code®	<u>Joint Mechanical Code (JMC) of Memphis and Shelby County, Tennessee</u> – 2009 International Code Council Mechanical Code with Local Amendments known as the	.....102.3, 201.3
International Plumbing Code®	<u>Joint Plumbing Code (JPC) of Memphis and Shelby County, Tennessee</u> – 2009 International Code Council Plumbing Code with Local Amendments	.....102.3, 201.3
International Residential Code®	<u>Joint Residential Code (JRC) of Memphis and Shelby County, Tennessee</u> – 2012 International Code Council Residential Code with Local Amendments	..... .102.3, 201.3



<b>NFPA</b>		National Fire Protection Association 1 Batterymarch Park Quincy, MA 02169-7471	
Standard Reference	Title		Referenced in code section number
NFPA 25	Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems		.....704.1.1
NFPA 70	Joint Electrical Code (JEC) of Memphis and Shelby County, Tennessee – 2008 National Electrical Code (NEC) with Local Amendments		...102.3, 201.3
<b>OPD</b>		Memphis and Shelby County Office of Planning and Development 125 N Main St Suite 468 Memphis, TN 38103	
Standard Reference number	Title		Referenced in code section number
UDC	Unified Development Code		.....102. 3, 201.3

***Memphis and Shelby County 2015 Building Code Local Amendments:***

International Building Code – Whenever the words “International Building Code” are used in this code herein adopted, it shall mean Chapters 1-13 and 27-33 and Chapter 35 of the 2015 International Code Council Building Code with Local Amendments, and Chapters 14-26 and Chapter 34 of the 2012 International Code Council Building Code and will be known as the Joint Building Code (JBC) of Memphis and Shelby County, Tennessee.

International Electrical Code (NFPA 70) – Whenever the words “International Electrical Code” are used in this code herein adopted, it shall mean the 2008 National Electrical Code (NEC) with Local Amendments and will be known as the Joint Electrical Code (JEC) of Memphis and Shelby County, Tennessee.

International Energy Conservation Code – Whenever the words “International Energy Conservation Code” are used in this code herein adopted, it shall mean the 2015 International Code Council Energy Conservation Code with Local Amendments and will be known as the Joint Energy Conservation Code (JECC) of Memphis and Shelby County, Tennessee.

International Existing Building Code – Whenever the words “International Existing Building Code” are used in this code herein adopted, it shall mean the 2015 International Code Council Existing Building Code with Local Amendments, and will be known as the Joint Existing Building Code (JEBC) of Memphis and Shelby County, Tennessee.

International Fire Code – Whenever the words “International Fire Code” are used in this code herein adopted, it shall mean the 2015 Edition of the ICC International Fire Code (IFC) with local amendments as adopted by ordinance No. 5701.

International Fuel Gas Code – Whenever the words “International Fuel Gas Code” are used in this code herein adopted, it shall mean the 2015 International Code Council Fuel Gas Code with Local Amendments and will be known as the Joint Fuel Gas Code (JFGC) of Memphis and Shelby County, Tennessee Technical Codes.

International Mechanical Code – Whenever the word “International Mechanical Code” is used in this code herein adopted, it shall mean the 2015 International Code Council Mechanical Code with Local Amendments and will be known as the Joint Mechanical Code (JMC) of Memphis and Shelby County, Tennessee.

International Plumbing Code – Whenever the words “International Plumbing Code” are used in this code herein adopted, it shall mean the 2015 International Code Council Plumbing Code with Local Amendments and will be known as the Joint Plumbing Code (JPC) of Memphis and Shelby County, Tennessee.

International Residential Code – Whenever the words “International Residential Code” are used in this code herein adopted, it shall mean the 2015 International Code Council Residential Code with Local Amendments and will be known as the Joint Residential Code (JRC) of Memphis and Shelby County, Tennessee.

Unified Development Code – Whenever the words “Unified Development Code” are used in this code herein adopted, it shall mean Unified Development Code (the "UDC"), which serves as the Zoning Code and Subdivision Regulations for the City of Memphis and unincorporated Shelby County, TN.

## CHAPTER 9: INTENTIONALLY LEFT BLANK

## CHAPTER 10: INTENTIONALLY LEFT BLANK

## CHAPTER 11: CHRONIC NUISANCE

1101.1 Chronic nuisance rental dwelling- In general. If the code official determines that a non-owner occupied dwelling meets the definition of a chronic nuisance as set forth in this chapter and that the owner(s), tenant(s), occupant(s), or property manager caused or permitted the chronic nuisance to exist or continue, the code official shall issue a summons requiring the owner(s), tenant(s), occupant(s) and/or property manager to appear before the Environmental Court to answer the charge of chronic nuisance against the non-owner occupied dwelling and if so proven, present the steps the owner shall take to mitigate or abate such nuisance in accordance with the following procedure:

1101.2 Notice. The code official shall notify the owner(s) and tenant(s) in writing via a summons to the court that the non-owner occupied dwelling meets this section's definition of a chronic nuisance. Notices shall comply with Section 107 of this code and shall contain the following information:

- (1) The street address or a legal description sufficient for identification of the chronic nuisance where the activity has occurred;
- (2) A statement by the code official with a detailed description of the basis upon which he or she has determined that the non-owner occupied dwelling is a chronic nuisance. The code official shall include the following statement prominently and in all capital letters: THIS IS NOT AN EVICTION ACTION BUT AN ACTION TO REQUIRE COMPLIANCE WITH LOCAL ORDINANCES AND LAWS. IF YOU ARE A TENANT WITH QUESTIONS CALL [INSERT CURRENT CODE OFFICIAL CONTACT NUMBER HERE];
- (3) A notice that the owner or property manager respond and appear before the Environmental Court at the time designated on the notice. Refusal of receipt shall be deemed receipt of notice for the purposes of this section; and
- (4) The code official shall take reasonable efforts to notify all tenants at the commencement, including but not limited to posting in a conspicuous location, direct mail, the internet or other social media, or the like. If the owner is the defendant, then the owner shall bring to the first hearing a copy of the most recent certified rent roll to be used to provide notice of the proceedings to the tenants of the non-owner occupied dwellings directly affected by the alleged violation.

1101.3 Hearing. At the appearance before the Environmental Court, the Environmental Court shall make a final determination regarding whether the non-owner occupied dwelling is a chronic nuisance. Upon a finding that the non-owner occupied dwelling is a chronic nuisance, the Environmental Court shall require, that there shall be completed, at the owner's expense, within forty-five (45) days of the hearing:

- (1) A comprehensive unit by unit home inspection of the property by the code official; and
- (2) A site safety inspection of the non-owner occupied dwelling by a qualified inspector as determined by the court;

At the conclusion of the forty-five (45) days, the Environmental Court shall hold a hearing with the owner wherein the site safety specialist and the code official shall appear and submit their report. The Environmental Court shall specify steps to be taken by the owner to correct the chronic nuisance, as well as order compliance with any site safety recommendations from the site safety specialist which the Environmental Court deems necessary. The Environmental Court shall also schedule a third hearing to take place six (6) months after the second hearing to determine whether proper steps have been taken and whether continued monitoring of the chronic nuisance, if it still exists, remains necessary.

1101.4 Nuisance activity by tenant or occupant. If the nuisance activity has been or is being conducted by a tenant or occupant of the non-owner occupied dwelling, then the tenant and/or occupant shall be summoned to court and advised of his or her or their obligation to maintain the premises in compliance with the law and that failure to do so may result in termination of the tenant's and/or occupant's legal right of control of the property and/or the imposition of fines against the tenant and/or occupant.

Notwithstanding anything to the contrary in this section, no owner may use the reporting of a crime by a tenant as a basis for the eviction of a tenant and, to the extent permitted by law, the initiation of an eviction proceeding by an owner within six (6) months of a tenant reporting a crime or exercising any other right under this chapter shall create a rebuttable presumption that the owner acted in violation of this chapter.

1101.5 Nuisance activity by guests. If the nuisance activity has been or is being conducted by a guest or guests of a tenant(s) or occupant(s), then the Environmental Court shall order the owner or property manager to:

- (1) Place the individual(s) on Authorization of Agency and bar them from the non-owner occupied dwelling; and
- (2) Provide the tenant(s) or occupant(s) with written notice that allowing such person(s) on the premises shall constitute a lease violation for which tenancy may be terminated.

1101.6 Failure to respond by tenant or occupant. In the event the notified tenant(s) and/or occupant(s) fail to respond and appear before the Environmental Court or the tenant(s) and/or occupant(s) engaged in or permits the continuation of the nuisance activity, the Environmental Court may deem such continuation as the owner(s) permitting the continuance of the nuisance activity.

1101.7 Bar on transfer. The declaration by the Environmental Court that a non-owner occupied dwelling is a chronic nuisance shall act as a bar of any transfer of title of the subject parcel or of any interests pertaining to such subject parcel, including, but not limited to, transfers by tax sale or other foreclosure, transfers, or creation of lien interests in the subject parcel, from the date of the filing until the petition is dismissed or until specific orders of the Environmental Court authorizing a transfer of title.

1101.8 Defenses. It is a defense for the owner, tenant(s) and/or occupant(s) of the non-owner occupied dwelling to an action seeking the declaration of the non-owner occupied dwelling as a chronic nuisance that the owner, tenant(s), and/or occupant(s), at the time in question could not, in spite of the exercise of reasonable care and diligence, prevent a third party from engaging in the conduct constituting the subsequent occurrence of nuisance activity.

1101.8.1 The following shall also be defenses for an owner or property manager to an action seeking the declaration of the non-owner occupied dwelling as a chronic nuisance:

- (1) The owner or property manager has begun legal proceedings to regain control of the non-owner occupied dwelling from a tenant or an occupant who is responsible for the nuisance activity in question;
- (2) The nuisance activity was conducted by a person who has been banned from the property via Authorization of Agency;
- (3) An owner, in trying to abate the nuisance activity, attempted legal action to regain control and possession of the non-owner occupied dwelling from a tenant or an occupant but was denied by a court;
- (4) The owner is the victim of a nuisance activity at the non-owner occupied dwelling that threatens his life or safety;
- (5) The failure to maintain the non-owner occupied dwelling in a condition not constituting a chronic nuisance is due to an act of nature, serious illness of the owner, or legal barrier preventing the owner from making such maintenance or repairs; and
- (6) In the case of a chronic nuisance based on criminal activity, in considering the conduct of the owner, the owner has completed a site safety inspection and provided a written report to the Environmental Court, engaged the consulting services of an Environmental Court-approved certified site safety specialist, and is making reasonable progress in implementing the recommendations.

1102.1 Chronic nuisance rental dwelling - Remedies and fines.

1102.2 In general. If a court determines that a chronic nuisance exists at the non-owner occupied property, the court in its discretion may impose a civil fine not to exceed \$50.00 per unit per day for non-compliance or an injunction requiring the abatement of the nuisance activity that resulted in the activity being declared a chronic nuisance by the court.

1102.3 Notwithstanding Section 1102.2, and whether or not it is a first or subsequent offense, if the court finds that an owner or property manager willfully failed to implement a reasonable site safety abatement plan ordered by the Environmental Court, the court

may impose a civil fine or an injunction restricting, in whole or in part, the occupancy of the non-owner occupied property where the nuisance activity reached the status of a chronic nuisance or any dwelling unit thereof in question.

1102.4 Receiver. (1) The court may appoint a receiver, as it deems necessary, in accordance with the Uniform Commercial Real Estate Receivership Act to bring the non-owner occupied dwelling which has been declared a chronic nuisance into compliance with this chapter. (2) The court may, as it deems necessary, declare a non-owner occupied dwelling to be a public nuisance as defined pursuant to Tenn. Code Ann. § 13-6-106 (NPA).

1103.1 Report and Review. The code official shall be responsible for preparing a report containing the following information that shall be submitted to City Council on an annual basis:

- (1) Properties that qualify for referral to the Environmental Court pursuant to this chapter;
- (2) All recommendations and agreements made by the Environmental Court pursuant to this chapter in relation to the properties referred to the Environmental Court; and
- (3) the final disposition of properties referred to the Environmental Court.